UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOKSHI, PINKAL R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 September 2008_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 09/29/2008 have been fully considered but they are

not persuasive. Applicant asserts that Khoo does not disclose determining at user site

for each of the commercials, whether the extracted descriptive information corresponds

with the preference information. Examiner disagrees. Khoo discloses (¶0045) that

client device used in the computer system can be the same as the server with the

server functionality. Khoo further discloses (¶0033) that in computer system,

server/client device matches the advertising media content description with

personalized data received from user to determine a customized advertisement as

represented in Fig. 2. The rejection is maintained. With regard to the dependent

claims, the respective rejections are maintained as Applicant has only argued that the

secondary references do not cure deficiencies of Philyaw and Khoo, nevertheless it is

the Examiner's contention that Philyaw and Khoo do not contain any deficiencies. See

the rejection below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-8, 10, 11, 13-15, and 18-20** are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 7,284,066 to Philyaw et al (hereafter referenced as

Philyaw) in view of US PG Pub 2006/0168623 to Khoo et al (hereafter referenced as

Khoo).

Regarding **claim 1,** "a method for obtaining information to augment

commercials in a data stream" reads on a method where a device receives a

signal from a broadcast generated by an advertiser (abstract) disclosed by

Philyaw and represented in Fig. 3.

As to "said method comprising the steps of: obtaining, at a user site,

preference information from at least one user via a user interface" Philyaw

discloses (col.12, lines 41-43) that the user profile is created by inputting profile

information at the user's end. Philyaw further discloses (col.3, lines 23-25) that

the user profile information is sent to server over the network as represented in

Fig. 14.

As to "extracting, at said user site, descriptive information from

commercials in the data stream" Philyaw discloses (col.6, lines 12-18, 64-65) that

the device located at the user's site extracts audio/video information within the

received signal in the form of digital data.

Philyaw meets all the limitations of claim except "determining, at said user

site for each of the commercials, whether the extracted descriptive information

corresponds with the preference information." However, Khoo discloses (¶0045)

that client device is the same as the server with the server functionality. Khoo

further discloses (¶0033) that in computer system, server/client device matches

the advertising media content with personalized data to determine a customized

advertisement as represented in Fig. 2. As to "responsive to the determining

step, locating information from an external source via a computer network

regarding at least one of the commercials whose extracted descriptive

information corresponds with the preference information" Khoo discloses (¶0033)

that once the personalized data list is received at the server, server compares

this list with content media and advertising media to create the customized media

list for viewer. Khoo further discloses (¶0035) that once the system matches

user preference with advertising media content, targeted advertisement is

generated by the server and transmitted through the data network (Internet -

¶0032) to client as represented in Fig. 2. Therefore, it would have been obvious

to one of the ordinary skills in the art at the time of the invention to match the

user preference with advertisement information to generate a targeted

advertisement as taught by Khoo in order to provide correct advertisements to

target audiences so a viewer does not have to search the advertisement contents

throughout television channels (¶0008 and ¶0009).

Regarding **claim 2,** "the method wherein: the external source comprises at

least one server" Philyaw discloses (col.3, lines 23-25; col.7, lines 59-60) that the

program source includes plurality of advertiser servers as represented in Fig. 3

(elements 312, 316).

Regarding **claim 3,** "the method wherein: the data stream comprises at

least one video program" Philyaw discloses (col.4, lines 45-48) that the broadcast

signal generated by program source comprises audio and video signals.

Regarding **claim 4,** "the method wherein: the data stream comprises at

least one audio program" Philyaw discloses (col.4, lines 45-48) that the

broadcast signal generated by program source comprises audio and video

signals.

Regarding **claim 5,** "the method further comprises the step of: displaying

the located information to the at least one user on a display device" Philyaw

discloses (col.10, line 54-col.11, line 17) that the viewer sees the targeted

advertisement on display device received from the server after the match occurs

between user profile and extracted audio/video information of the advertisement

as represented in Fig. 8.

Regarding **claim 6,** "the method further comprises the step of: displaying a

link to the located information to the at least one user on a display device"

Philyaw discloses (col.10, lines 62-64) that the URL is provided to the user on

display screen as represented in Fig. 8 (element 806).

Regarding **claim 7,** "the method further comprises the step of: storing the located information on a storage device for subsequent retrieval by the at least one user" Khoo discloses (¶0046) that the targeted advertisement is stored in a storage medium of media cache service for later retrieval. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to store targeted advertisement in the storage device as taught by Khoo in order to retrieve targeted advertisements at user's leisure.

Regarding **claim 8,** "the method wherein: the located information comprises information regarding a product or service advertised in the at least one of the commercials whose extracted descriptive information corresponds with the preference information" Philyaw discloses (col.7, lines 4-13; col.23, lines 31-37) that based on the match between user profile and extracted advertisement information, the advertiser product information presented to the viewer on a display.

Regarding **claim 10,** "the method wherein: the obtaining preference information step comprises obtaining a user input indicating an amount of information that is desired to be obtained from the external source for the at least one of the commercials whose extracted descriptive information corresponds with the preference information" Philyaw discloses (col.23, lines 20-25) that the

user input certain profile information that indicates a particular user with products

and services that identifies with that user profile.

Regarding **claim 11,** "the method wherein: the obtaining preference

information step comprises obtaining information identifying at least one category

of commercials" Khoo discloses (¶0048 and claim 9) that the personalized data

includes television advertisement preferences from the user by category.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to categorized advertisements as taught by Khoo in

order to provide correct advertisements to target audiences so a viewer does not

have to search the advertisement contents throughout television channels

(¶0008 and ¶0009).

Regarding **claim 13,** "the method wherein: the obtaining preference

information step comprises obtaining information identifying at least one

performer" Khoo discloses (¶0044) that the user preference properties contains

actors. Therefore, it would have been obvious to one of the ordinary skills in the

art at the time of the invention to include performer in the user preference as

taught by Khoo in order to include more specific targeted ads based on user

needs by searching actor's name instead of music types.

Regarding **claim 14,** "the method wherein: the obtaining preference

information step comprises the steps of: identifying at least one sample

commercial by the at least one user via the user interface and extracting

descriptive information from the at least one sample commercial" Philyaw

discloses (col.21, lines 22-33) that the sample message packet about a product

is transmitted from the user's device to server so the proper transmission for

point to point can occur. However, the examiner takes official notice that it was

well known in the art at the time of the invention to retrieve data based on query-

by example. Therefore, it would have been obvious to one of ordinary skills in

the art at the time of the invention to use sample of commercial in user

preference to Philyaw's system in order to provide correct advertisements related

to target audiences based on their sample ads.

Regarding **claim 15,** "the method wherein: the obtaining preference

information step comprises obtaining at least one keyword from the at least one

user via the user interface (400)" Philyaw discloses (col.8, lines 41-45) that the

user receives targeted advertisements based on the keystrokes being input to a

PC.

Philyaw meets all the limitations of the claim except "the extracting

descriptive information step comprises extracting text from the commercials."

However, Khoo discloses (¶0056) that the computer device, that receives

targeted advertisement, includes graphical subsystem that receives textual and

graphical information and processes the information for output to display as

represented in Fig. 7 (element 770). As to "the extracted descriptive information

corresponds with the preference information when the extracted text corresponds

with the at least one keyword" Khoo discloses (¶0048) that the user provides

preference information such as television advertisement preference by typing

prompts questions. Khoo further discloses (¶0049) that the server matches

these user preference data with advertising media data and creates targeted ads

list that matched with user preference data and transmits it to the client device.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to match the keyword with with advertisement

information to generate a targeted advertisement as taught by Khoo in order to

provide correct advertisements to target audiences so a viewer does not have to

search the advertisement contents throughout television channels (¶0008 and

¶0009).

Regarding **claim 18,** "an apparatus for obtaining information to augment

commercials in a data stream" Philyaw discloses (col.3, lines 23-25) that the user

profile information is sent to server over the network as represented in Fig. 14.

As to "said apparatus comprising: means for obtaining preference

information from at least one user" Philyaw discloses (col.12, lines 41-43) that

the user profile is created by inputting profile information at the user's end.

Philyaw further discloses (col.3, lines 23-25) that the user profile information is

sent to server over the network as represented in Fig. 14.

As to "means for extracting descriptive information from commercials in

the data stream" Philyaw discloses (col.6, lines 12-18, 64-65) that the device

located at the user's site extracts audio/video information within the received

signal in the form of digital data.

Philyaw meets all the limitations of claim except "means for determining,

for each of the commercials, whether the extracted descriptive information

corresponds with the preference information." However, Khoo discloses (¶0045)

that client device is the same as the server with the server functionality. Khoo

further discloses (¶0033) that in computer system, server/client device matches

the advertising media content with personalized data to determine a customized

advertisement as represented in Fig. 2. As to "means, responsive to the

determining step, for locating information from an external source via a computer

network regarding at least one of the commercials whose extracted descriptive

information corresponds with the preference information" Khoo discloses (¶0033)

that once the personalized data list is received at the server, server compares

this list with content media and advertising media to create the customized media

list for viewer. Khoo further discloses (¶0035) that once the system matches

user preference with advertising media content, targeted advertisement is

generated by the server and transmitted through the data network (Internet -

¶0032) to client as represented in Fig. 2. Therefore, it would have been obvious

to one of the ordinary skills in the art at the time of the invention to match the

user preference with advertisement information to generate a targeted

advertisement as taught by Khoo in order to provide correct advertisements to

target audiences so a viewer does not have to search the advertisement contents

throughout television channels (¶0008 and ¶0009).

Regarding **claim 19,** "the apparatus wherein: the external source

comprises at least one server" Philyaw discloses (col.3, lines 23-25; col.7, lines

59-60) that the program source includes plurality of advertiser servers as

represented in Fig. 3 (elements 312, 316).

Regarding **claim 20,** "a method for obtaining information to augment

commercials in a data stream" reads on a method where a device receives a

signal from a broadcast generated by an advertiser (abstract) disclosed by

Philyaw and represented in Fig. 3.

As to "the method comprising: obtaining preference information from at

least one user via a user interface" Philyaw discloses (col.12, lines 41-43) that

the user profile is created by inputting profile information at the user's end.

Philyaw further discloses (col.3, lines 23-25) that the user profile information is

sent to server over the network as represented in Fig. 14.

As to "extracting descriptive information from commercials in the data

stream" Philyaw discloses (col.6, lines 12-18, 64-65) that the device located at

the user's site extracts audio/video information within the received signal in the

form of digital data.

Philyaw meets all the limitations of claim except "determining, for each of

the commercials, whether the extracted descriptive information corresponds with

the preference information." However, Khoo discloses (¶0045) that client device

is the same as the server with the server functionality. Khoo further discloses

(¶0033) that in computer system, server/client device matches the advertising

media content with personalized data to determine a customized advertisement

as represented in Fig. 2. As to "responsive to the determining step, locating

information from an external source via a computer network regarding at least

one of the commercials whose extracted descriptive information corresponds

with the preference information" Khoo discloses (¶0033) that once the

personalized data list is received at the server, server compares this list with

content media and advertising media to create the customized media list for

viewer. Khoo further discloses (¶0035) that once the system matches user

preference with advertising media content, targeted advertisement is generated

by the server and transmitted through the data network (Internet - ¶0032) to

client as represented in Fig. 2. Therefore, it would have been obvious to one of

the ordinary skills in the art at the time of the invention to match the user

preference with advertisement information to generate a targeted advertisement

as taught by Khoo in order to provide correct advertisements to target audiences

so a viewer does not have to search the advertisement contents throughout

television channels (¶0008 and ¶0009). As to "a program storage device tangibly

embodying a program of instructions executable by a machine to perform a

method" Khoo discloses (¶0059 and ¶0060) that the computer instruction that

performs the method when loaded into a computer. Therefore, it would have

been obvious to one of the ordinary skills in the art at the time of the invention to

store computer program instruction on the storage medium as taught by Khoo in

order to use the method in computer device.

4.   **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw

et al in view of Khoo et al and further in view of US PG Pub 2002/0083440 to Dupuis et

al (hereafter referenced as Dupuis).

Regarding **claim 9,** combination of Philyaw and Khoo meets all the

limitations of the claim except "the method further comprises the step of:

scanning the video stream to detect the commercials." However, Dupuis

discloses (abstract and ¶0025) that the system scans the video stream file and

creates database as represented in Fig. 1 (element 233, 250). As to "wherein

the extracting descriptive information step is performed for commercials detected

in the scanning step" Dupuis discloses (¶0016 and ¶0026) that the snatcher

reads the database which includes scanned video stream and creates and stores

ads in Ad data database as represented in Fig. 1 (elements 234, 251).

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to scan video stream to detect commercial as taught by

Dupuis in order to identify a commercial portion from the video program portion

so the correct ads can be presented to targeted audiences

5.   **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw

et al in view of Khoo et al and further in view of US Patent 6,684,249 to Frerichs et al

(hereafter referenced as Frerichs).

       Regarding **claim 12,** combination of Philyaw and Khoo meets all the

limitations of the claim except "the method wherein: the obtaining preference

information step comprises obtaining information identifying at least one music

track." However, Frerichs discloses (col.9, lines 39-41, 50-54) that the targeted

advertisements are provided based on user's profile where information about

targeted advertisements includes audio tracks as represented in Fig. 3.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to include audio track in user preference as taught by

Frerichs in order to play music at the client location by sending additional

information from the source location.

6.   **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Philyaw et al in view of Khoo et al and further in view of US Patent 6,100,941 to

Dimitrova et al (hereafter referenced as Dimitrova).

       Regarding **claim 16,** combination of Philyaw and Khoo meets all the

limitations of the claim except "the method wherein: the extracting text from the

commercials comprises extracting text from closed captioned data of the

commercials." However, Dimitrova discloses (col.2, lines 41-44) that the system

produces text by processing data stream through a closed captioning processor.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to produce text from closed caption data as taught by

Dimitrova in order to identify a portion of commercial by comparing with closed

captioned text data to produce accurate commercial for viewers.

Regarding **claim 17,** "the method wherein: the extracting text from the

commercials comprises converting an audio portion of the commercials to text"

Dimitrova discloses (col.18, lines 19-25) that the audio processor converts the

sound into text of a commercial. Therefore, it would have been obvious to one of

the ordinary skills in the art at the time of the invention to produce text from

closed caption data as taught by Dimitrova in order to identify a portion of

commercial by comparing with closed captioned text data to produce accurate

commercial for viewers.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt.

Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425